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**DA-16/2013**

*In reply quote:*

Karl OKorn

*Contact Name:*

24 April 2014

Zhinar Architect  
Suite 8 Carlingford Central,  
241-245 Pennant Hills Road  
CARLINGFORD NSW 2118

**NOTICE OF MODIFICATION  
OF A DEVELOPMENT APPLICATION**

issued under Section 96(2) of the  
Environmental Planning and Assessment Act, 1979

Council has determined your application to modify the Development Consent as follows:

- PROPERTY DESCRIPTION:** Lot 9 Sec 4 DP 982836, Lot 1 DP 1041051, Lot 10 Sec 4 DP 982836, Lot 11 Sec 4 DP 982836, Lot 12 Sec 4 DP 982836, Lot 13 Sec 4 DP 982836, 6 - 14 Park Road, AUBURN
- DEVELOPMENT APPLICATION NO:** DA-16/2013
- SECTION 96 REFERENCE NO:** DA-16/2013/A
- EXISTING APPROVED DEVELOPMENT:** Demolition of existing structures and construction of 8 storey mixed-use strata building including 98 residential units over ground level commercial premises with 3 levels of basement car parking C2013-177DS-2. Demolition of existing structures and construction of 8 storey mixed-use strata building including 98 residential units over ground level commercial premises with 3 levels of basement car parking
- PROPOSED MODIFICATION:** Section 96(2) application to modify basement layout (B1-B3) and reduce floor height of ground floor

The Notice of Determination, dated 23 May 2013, is modified by:-

Lot 9 Sec 4 DP 982836, Lot 1 DP 1041051, Lot 10 Sec 4 DP 982836, Lot 11 Sec 4 DP 982836, Lot 12 Sec 4 DP 982836, Lot 13 Sec 4 DP 982836, 6 - 14 Park Road, AUBURN 24 April 2014

**A. Amending condition '1', '40' & '59' to read as follows:-**

**1. Approved Plans**

The development is to be carried out in accordance with the approved stamped plans as numbered below::

<i>Plan Number</i>	<i>Prepared By</i>	<i>Revision No.</i>	<i>Dated</i>
S96-C:01 – S96-C:25 (inclusive)	Zhinar architects	C	03 February 2014 or 10 February 2014
12069DA 1 - Landscape Plan	Vision Dynamics	E	04 February 2014
SEPP 65 Design Verification Statement	Zhinar architects	B	April 2013
1312 - DA01	HKMA Engineers	A	4 June 2012
1312 - DA02	HKMA Engineers	A	4 June 2012
1312 - DA03	HKMA Engineers	A	4 June 2012
Crime Risk Assessment Report	Planning Ingenuity	00500/12	15 June 2012
Traffic and Parking Assessment Report	Varga Traffic Planning Pty Ltd	12149	14 June 2012
BASIX Certificate 431391M	Designview		14 June 2012
ABSA Assessor Certificate 42990629	Designview	2055	4 June 2012
Phase II Environmental Site Assessment	Aargus Australia	ES4972	15 May 2012
Acoustic assessment report	Acoustic Logic	20130300.1/2904A/R0/JR	April 2013
Arboricultural Impact Assessment	Redgum Horticultural	7148	14 May 2012
Waste Management Plan	Vince Bilotta		

except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

Reason:- to confirm and clarify the terms of Council's approval.

[Condition amended by Section 96 modification DA-16/2013/A]

40.

**Submission of full stormwater disposal details**

Full stormwater drainage details showing the proposed method of stormwater collection and disposal are to be submitted to Council or the Accredited Certifier to ensure the approved stormwater plans are incorporated with the Construction Certificate.

The details shall be prepared by a suitably qualified person and must be in accordance "Auburn Development Control Plans 2010 - Stormwater Drainage" and "Australian Rainfall & Runoff 1987".

In this regard,

- The proposed stormwater system shall be generally in accordance with the concept stormwater plans Stormwater plans 1312-C DA01, 1312-C DA02 & 1312-C DA03 issue A dated 04. 06. 2012 prepared by HKMA Engineers.
- Minimum 10,000 Litres capacity rainwater tank shall be provided.
- Stormwater plan shall be updated to comply with architectural plans.
- All access grates to the 900x900 size pit shall be double (2/900x450) hinged grates.
- The 3x300mm diameter pipes shall be connected to the side wall of the proposed overflow pit.
- Amended plans showing the compliance of above requirements shall be submitted and approved by the Principle Certifying Authority **prior to issue of a Construction Certificate.**

Note: "Auburn Development Control Plans 2010 - Stormwater Drainage" is available to purchase at Council or the document can be found at Auburn Council's web page [www.auburn.nsw.gov.au](http://www.auburn.nsw.gov.au)

[Condition amended by Section 96 modification DA-16/2013/A]

Reason:- to ensure the stormwater is suitably discharged.

59.

**Car parking to Comply with Approved Details**

The area set aside for the parking of vehicles, and so delineated on the plan prepared by Zhinar Architects and endorsed plan Drawing No's S96 - C:03 to S96 - C:06 (inclusive) dated 10 February 2014, shall not be used for any other purpose.

Reason:- to ensure the car parking area is not used for purposes other than the parking of cars associated with the use.

[Condition amended by Section 96 modification DA-16/2013/A]

Lot 9 Sec 4 DP 982836, Lot 1 DP 1041051, Lot 10 Sec 4 DP 982836, Lot 11 Sec 4 DP 982836, Lot 12 Sec 4 DP 982836, Lot 13 Sec 4 DP 982836, 6 - 14 Park Road, AUBURN 24 April 2014

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**B. Addition of conditions 101, 102 & 103 as follows**

**101. Parking Layout Design**

**Prior to issue of construction certificate** amended plans addressing following matters shall be submitted and approved by Principal Certifying Authority:

- a) Shared zone shall be provided for accessible parking spaces 1 and 14 (Ground level Plan 8067 S96-C:06 dated 10.02.14) to comply with Australian standard AS2890.6.
- a) Accessible parking spaces including shared zones (**Parking 11, 12, 21 and 22 of all three basements and 29 & 30 of basement 3**) shall be redesigned in accordance with Australian standard AS2890.6. No obstructions except bollards shall be located within the shared zone. Alternately the accessible parking can be relocated.
- b) The parking aisle adjacent to the access ramp on basement 1 (parking 39 - 44) shall be redesigned to relocate the parking adjacent to ramp to facilitate easy operation of the parking aisle. The bays 43 & 44 as part of tandem parking arrangement.
- c) Swept path analysis shall be provided at all intersection of circulation aisle and the ramp in order to ensure B85 and B99 vehicles can pass each other.
- d) Headroom clearance including all services for garbage delivery truck access and path shall be minimum 4.0m. In this regard detail longitudinal section shall be prepared and approved as part of Construction certificate.

Reason:- to ensure parking and loading spaces are designed in accordance with Australian standard AS2890.1, AS2890.2 and AS2890.6.

**[Condition added by Section 96 modification DA-16/2013/A]**

**102. Service Vehicle related to Commercial Premises**

Vehicles making deliveries to the commercial premises shall be limited to small rigid vehicle (SRV) as defined in Australian Standard AS.2890.2

Reason:- to ensure delivery trucks use approved loading area.

**[Condition added by Section 96 modification DA-16/2013/A]**

103. **Low Clearance Sign**

**Prior to the issue of any Occupation Certificate**, low clearance sign showing the available head room clearance shall be installed at the entrance to the loading and garbage collection area.

**Reason**:- to warn and prevent vehicles that require higher headroom clearance from entering the site.

**[Condition added by Section 96 modification DA-16/2013/A]**



**Mark Brisby**  
**General Manager**  
**NOTES**

1. Section 96(6) of the Act confers on an applicant who is dissatisfied with the determination of a consent authority, in respect of an application under Section 96 of the Act, a right of appeal to the Land and Environment Court.
2. The conditions are imposed taking into account the matters for consideration in determining a Development Application under Section 79C(1) of the Environmental Planning and Assessment Act 1979.

*Patdy  
Ex PR 1*

Against: Councillors Attie, Lam and Mehajer.

Note: Voting on the above motion was by way of a division.

**071/14 Section 96 Application - 6-14 Park Road, Auburn**  
DA-16/2013/A KO: EG

Note: Cllr Zraika, Cllr Attie and Cllr Lam each declared a non-pecuniary interest in the matter and left the Chamber before the consideration of the matter and remained outside the Chamber during all of the discussions and did not vote.

**RESOLVED unanimously on the motion of Cllr Mehajer, seconded Cllr Campbell that Council receive and note the information report for the Joint Regional Planning Panel for Development Application No. DA-16/2013/A for Section 96(2) application to modify basement layout (B1-B3) and ground floor layout and reduce floor height to ground floor on land at 6 - 14 Park Road, Auburn.**

For: Councillors Mehajer, Batik, Campbell, Oldfield, Simms and Yang.

Against: Nil.

Note: Voting on the above motion was by way of a division.

**072/14 93-105 Auburn Road & 18 Harrow Road, Auburn**  
DA-368/2013 KO: EG

Note: Cllr Zraika, Cllr Attie and Cllr Lam each declared a non-pecuniary interest in the matter and left the Chamber before the consideration of the matter and remained outside the Chamber during all of the discussions and did not vote.

Ms M. Uyanik, Ms G. Guy, Mr P. Skirlis, Mr D. Wheatley, Mr. S. Dean and Mr S. Barwick each in turn, addressed the Council on this matter.

Moved Cllr Campbell, seconded Cllr Simms:

1. That Council prepare a submission to JRPP stating that the height of this development is totally out of character with the Auburn CBD and that there has been no mandate from the community for such a radical change to the density of the area or height.
2. That Council conduct a scientifically designed survey of the Auburn population regarding the desired maximum of heights for the Auburn CBD prior to the Development Application going to the JRPP and that the results of the survey be conveyed to the JRPP.
3. That Council hold a public meeting regarding this Development Application and that the result of that meeting be provided as a supplementary report to the JRPP.

The mover, with the support of the seconder, withdrew the point 2 of the motion.

The amended motion was put to the vote and declared carried.

**RESOLVED on the motion of Cllr Campbell, seconded Cllr Simms:**

1. **That Council prepare a submission to JRPP stating that the height of this development is totally out of character with the Auburn CBD and that there has**